

Richard A. De Liberty (Bar No. 203754)
Kohut & Kohut LLP
3554 Round Barn Boulevard, Suite 204
Santa Rosa, California 95403
tel.: (707) 573-3100
fax: (707) 573-3101
e-mail: richard@kohutlaw.com

Attorneys for Defendant
NEW CINGULAR WIRELESS SERVICES, INC.¹

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHERRY LEVIN,

Plaintiff,

v.

GC SERVICES, LP, et al.,

Defendants.

No. 07-CV-6508-JSW

Hearing: February 29, 2008, 9:00 a.m

[Proposed]

**ORDER DISMISSING ACTION
AGAINST DEFENDANT CINGULAR
FOR FAILURE TO STATE A CLAIM**

The motion by Defendant New Cingular Wireless Services, Inc., (“Cingular”) pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the action by Plaintiff, Cherry Levin, against Cingular, for failure to state a claim upon which relief can be granted, came on for hearing on Friday, February 29, 2008, at 9:00 a.m., in Courtroom 2, United States Courthouse, 450 Golden Gate Avenue, 17th Floor, San Francisco, California 94102.

The Court finds that Plaintiff’s claim against Cingular is barred by 15 U.S.C. § 1681s-2(c). The Court also finds that the arbitration agreement between Plaintiff and Cingular bars Plaintiff from bringing her claims in federal court.

Good cause appearing,

¹ The Complaint mistakenly names New Cingular Wireless Services, Inc., as “Cingular Wireless Corp.”

1 THE COURT ORDERS that the motion is GRANTED. The action as against Cingular is
2 dismissed without leave to amend.

3 DATED:

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6 United States District Judge
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